



Order Filed on February 9, 2017
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
TRENTON VICINAGE
Caption in Compliance with D.N.J. LBR 9004-2(c)

STERN, LAVINTHAL & FRANKENBERG, LLC
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Jeanette F. Frankenberg, Esq.
Ashley L. Rose, Esq.
Attorney for Secured Creditor,
Arvest Central Mortgage Company

In Re:

Peter Kulas

Deborah Kulas

Debtor(s).

Case No.: 16-16418-CMG

Chapter: 13

Hearing Date: February 1, 2017

Judge: Christine M. Gravelle, U.S.B.J.

CONSENT ORDER RESOLVING MOTION TO VACATE STAY

The consent order set forth on the following pages, numbered two (2) through three (3),
is hereby **ORDERED**.

DATED: February 9, 2017

A handwritten signature in black ink, reading "Christine M. Gravelle", is written over a horizontal line.

Honorable Christine M. Gravelle
United States Bankruptcy Judge

Page | 2

Debtor: Peter & Deborah Kulas

Case No: 16-16418-CMG

Caption: Consent Order Resolving Motion to Vacate Stay

Applicant:	<u>Arvest Central Mortgage Company</u>
Applicant's Counsel:	<u>Stern Lavinthal & Frankenberg, LLC</u>
Debtor's Counsel:	<u>Edward Hanratty, Esq.</u>
Property Involved ("Collateral"):	<u>1 Bruce Spruce Ct., Perrineville, NJ 08535</u>

Relief sought:

- ✓ Motion for relief from the automatic stay
- Motion to dismiss
- Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:
 - The Debtor is overdue for 4 months, from October 1, 2016 to January 1, 2017.
 - The Debtor is overdue for 4 payments at \$3,545.15 per month.
 - Less suspense funds of \$2,129.80.Total Arrearages Due \$12,050.80.
2. Debtor filed a Notice of Request for Loss Mitigation Program on or about January 13, 2017. Debtor must have the DMM Portal opened within ten (10) days of the date of this Consent Order.
3. Beginning on February 1, 2017 adequate protection payments shall resume, in the amount of \$2,551.37 (60% Principal & Interest and 100% Escrow) while the application for Loss Mitigation is pending.
4. If a Loan Modification is not approved by April 1, 2017 (or other date extended by court order). Secured Creditor will promptly notify the trustee, with copy to Debtor's attorney, and within thirty (30) days of such notification, the Debtor shall 1) Cure all outstanding post-petition arrearages to Secured Creditor; 2) file a Modified Plan to surrender subject property; 3) file a Notice to Convert to a Chapter 7; or 4) file a Notice to Dismiss Case.

Page | 3

Debtor: Peter & Deborah Kulas

Case No: 16-16418-CMG

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3. Payments to the Secured Creditor shall be made to the following address(es):

✓ Monthly adequate protection payment: Central Mortgage Company
P.O. Box 8045
Little Rock, AR 72203

In the event of Default:


If the Debtors fail to make the immediate payment specified above or fail to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtors' failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and the Debtors' attorney.

If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

4. Award of Attorneys' Fees:

✓ The Applicant is awarded attorneys fees of \$350.00, and costs of \$181.00.
The fees and costs are payable through the Chapter 13 plan.

The undersigned hereby consent to the form and entry of the foregoing order


Edward Hanratty, Esq.
Attorney for the Debtors

/s/ Jeanette F. Frankenberg, Esq.
Jeanette F. Frankenberg, Esq.
Attorney for Secured Creditor,
Arvest Central Mortgage Company

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
Peter Kulas
Deborah Kulas
Debtors

Case No. 16-16418-CMG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Feb 09, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 11, 2017.
db/jdb Peter Kulas, Deborah Kulas, 1 Blue Spruce Ct, Perrineville, NJ 08535-1310

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 11, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 9, 2017 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor BANK OF AMERICA, N.A. dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Edward Hanratty on behalf of Joint Debtor Deborah Kulas thanratty@tomeslawfirm.com, ftomes@tomeslawfirm.com;G17018@notify.cincompass.com;chamaryg@tomeslawfirm.com;abby@tomeslawfirm.com;GenovieveC@tomeslawfirm.com
Edward Hanratty on behalf of Debtor Peter Kulas thanratty@tomeslawfirm.com, ftomes@tomeslawfirm.com;G17018@notify.cincompass.com;chamaryg@tomeslawfirm.com;abby@tomeslawfirm.com;GenovieveC@tomeslawfirm.com
Jeanette F. Frankenberg on behalf of Creditor Central Mortgage Company cmecf@sternlav.com
John R. Morton, Jr. on behalf of Creditor CAB East LLC, serviced by Ford Motor Credit Company LLC mortonlaw.bccraig@verizon.net, donnal@mortoncraig.com;mhazlett@mortoncraig.com
Paul V. Buonaguro on behalf of Creditor Division of Taxation, State of New Jersey paul.buonaguro@dol.lps.state.nj.us

TOTAL: 8